

REMARKS

This Amendment is filed in response to the Office Action filed on May 31, 2001.

All objections and rejections are respectfully traversed.

Claims 1-2, 5-6, 8-11, 13, 15-39 are pending in the case.

Claims 3, 4, 7, 12, 14 were cancelled without prejudice.

New claims 18-39 were added to better claim the invention.

Claims 1, 2, 5, 6, 8, 9, 13 and 17 have been amended to better claim the invention.

Claim Rejections – 35 U.S.C. § 103

On page 2 of the Office Action, claims 1, 2, 10, 11, 16, and 17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,449,251 to Awadallah et al. (“Awadallah”) in view of Cisco Systems Incorporated (VoIP Call Admission Control Using RSVP).

The present invention, as set forth in representative claim 1, which comprises:

An intermediate network device for use in a computer network carrying network traffic, the intermediate network device comprising:
a traffic scheduler having one or more resources for use in forwarding network traffic received at the device at different rates;
a classification engine configured to identify received network traffic based upon predefined criteria; and
a resource reservation engine in communicating relationship with the traffic scheduler and the classification engine,

wherein, in response to a first request to reserve resources for a given traffic flow, the resource reservation engine allocates one or more resources to the given traffic flow, but does not make the one or more allocated resources available to the given traffic flow.

Awadallah discloses a method for providing Quality of Service (QoS) through a computer network. Awadallah includes a packet mapper for prioritizing streams of data packets connecting directly to end-systems. The packet mapper is a QoS Proxy. See col. 3, lines 45-60. QoS Proxy performs mapping and swapping for high priority data packets and performs reporting functions to the network administrator. See col. 3, line 60 to col. 4, line 20.

Cisco Systems Incorporated (VoIP Call Admission Control Using RSVP) discloses Resource Reservation Protocol (RSVP) for Voice over IP (VoIP) networks. RSVP is a signaling protocol that allows applications to request end-to-end QoS guarantees from the network. Entities could reserve bandwidth within their computer networks to receive from one or more sourcing entities a desired traffic flow before a call moves to the alerting phase. The sourcing entities send RSVP Path messages through the network devices, making those devices aware of the reservation of resources required. RSVP reserves the network resources before the called party's phone begins ringing. These resources are immediately made available to the traffic flow. See "Feature Overview", page 1 to page 2; Patent specification (Davie et al.), page 4.

Applicants respectfully urge that neither Awadallah nor Cisco Systems Incorporated (VoIP Call Admission Control Using RSVP), taken either singly or in combination,

teaches a resource reservation engine wherein, *in response to a first request to reserve resources for a given traffic flow, the resource reservation engine allocates one or more resources to the given traffic flow, but does not make the one or more allocated resources available to the given traffic flow.*

The RSVP disclosed in Cisco Systems Incorporated (VoIP Call Admission Control Using RSVP) immediately makes the resources available to traffic flow. These resources are reserved prior to the called party's phone beginning to ring. The problem with pre-reserving the resources, for example, allows an attacker to make use of those reserved resources without paying a fee. Applicants' invention allocates resources in response to a first request, but does not make the allocated resources available until a second request. Cisco Systems Incorporated (VoIP Call Admission Control Using RSVP) is silent with respect to Applicants' novel use of *in response to a first request to reserve resources for a given traffic flow, the resource reservation engine allocates one or more resources to the given traffic flow, but does not make the one or more allocated resources available to the given traffic flow.*

Both cited documents only reserve resources for the traffic flow. In contrast, Applicants' claimed invention additionally withholds availability of the resources until a second request is received.

Accordingly, Applicants respectfully urge that Awadallah taken in combination with Cisco Systems Incorporated (VoIP Call Admission Control Using RSVP) are legally precluded from rendering the presently claimed invention obvious under 35 U.S.C. § 103 because of the absence in the cited patent and non-patent document of Applicants'

claimed a resource reservation engine wherein, *in response to a first request to reserve resources for a given traffic flow, the resource reservation engine allocates one or more resources to the given traffic flow, but does not make the one or more allocated resources available to the given traffic flow.*

On page 5 of the Office Actions, claims 3-9 and 12-15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Awadallah in view of Cisco Systems Incorporated (VoIP Call Admission Control Using RSVP), in further view of U.S. Patent No. 6,744,767 to Chiu (“Chiu”).

Applicants respectfully note that claims 3-9 and 12-15 are dependent from independent claims, and that the independent claims are believed to be in condition for allowance. Accordingly, claims 3-9 and 12-15 are also believed to be in condition for allowance.

All independent claims are believed to be in condition for allowance.

All dependent claims are believed to be dependent from allowable independent claims, and therefore in condition for allowance.

Favorable action is respectfully solicited.

Please charge any additional fee occasioned by this paper to our Deposit Account No. 03-1237.

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